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Office of the Attorney General

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ATTORNEY GENERAL

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November 23, 1988

Nancy E. Shealy, Esquire  
Staff Attorney, South Carolina  
Court Administration  
Post Office Box 50447  
Columbia, South Carolina 29250

Dear Nancy:

In a letter to this Office you referenced the provisions of Section 8 of Act No. 532 of 1988, the "Highway Safety Act", which increases the penalties for speeding and states further

(f) (f)ive dollars of the fines listed in subsection (d) (3) and (4) must be credited to the State Highway Fund ....

You indicated that your office is construing such provision to indicate that the five dollars is to be taken "off the top" of any fine imposed.

This Office is in agreement with your construction. Such determination is consistent with an opinion of this Office dated October 19, 1988 where it was concluded that the two hundred fifty dollars designated for the Victim's Compensation Fund should be taken "off the top" of any fine imposed pursuant to another provision of the referenced "Highway Safety Act" prior to the distribution of the fine between the county and State pursuant to Section 20-7-1510 of the Code. Therefore, five dollars for the State Highway Fund should be subtracted from the fine imposed pursuant to Section 8 without regard to the funds remitted to any other agency.

Nancy E. Shealy, Esquire  
Page 2  
November 23, 1988

If there is anything further, please advise.

Sincerely,

  
Charles H. Richardson  
Assistant Attorney General

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REVIEWED AND APPROVED BY:

  

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Robert D. Cook  
Executive Assistant for Opinions